



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Barbara J. Boe, et al.  
Serial No.: 09/966,845  
Filing Date: September 28, 2001  
Examiner: Yehdega Retta  
Art Unit: 3622  
Title: SYSTEM AND METHOD FOR PROFILING  
CUSTOMERS FOR TARGETED MARKETING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

We, Barbara J. Boe, Julia M. Hamrick, and Marjorie L. Aarant hereby declare and state that:

1. We are the inventors of the subject matter of the above-referenced Application entitled "System and Method for Profiling Customers for Targeted Marketing" filed on September 28, 2001 (the "Application") which is a reissue application from U.S. Patent No. 6,240,333 based on U.S. Application Serial No. 09/162,825 filed September 29, 1998.

2. The Examiner rejected Claims 1-28 of the Application in an Office Action dated June 15, 2004 based, in whole or in part, on U.S. Patent No. 6,430,542 issued February 19, 2002 to Moran based on U.S. Application Serial No. 09/141,013 filed August 26, 1998 (the "Moran patent") and U.S. Patent No. 6,349,290 issued to Horowitz, et al. based on U.S. Application Serial No. 09/337,014 filed June 30, 1999 from U.S. Provisional Application No. 60/091,276 filed June 30, 1998 (the "Horowitz, et al. patent"). Thus, the effective filing dates of the Moran and Horowitz, et al. patents are less than one year prior to the effective filing date of the Application.

3. We developed an understanding and appreciation of the subject matter of at least Claims 1-28 of the Application prior to June 30, 1998, the earliest effective filing date of either the Moran or Horowitz, et al. patents, while working at Ignite Sales, Inc. Prior to June 30, 1998, we prepared a web site flow chart containing a description of the subject matter of Claims 1-28 of the Application. Attached herewith as Exhibit A is a redacted version of the web site flow chart showing pertinent portions detailing our understanding of the subject matter of the claims. Prior to June 30, 1998, we also prepared a document entitled "MoneyMatch White Paper" containing a description of the subject matter of the claims. Attached herewith as Exhibit B is a redacted version of the MoneyMatch White Paper showing pertinent portions detailing our understanding of the subject matter of the claims. Prior to June 30, 1998, we also prepared notes containing a description of the subject matter of the claims. Attached herewith as Exhibit C is a redacted version of the notes showing pertinent portions detailing our understanding of the subject matter of the claims. These documents demonstrate that we had a clear comprehension of the invention, its components, and their interrelationships prior to the June 30, 1998, the earliest effective filing date of the Moran and Horowitz, et al. patents cited by the Examiner.

4. The subject matter of Claims 1-28 was reduced to practice prior to June 30, 1998, the earliest effective filing date of either the Moran or Horowitz, et al. patents. The subject matter of Claims 1-28 was incorporated into a computer program. Attached herewith as Exhibit D is a redacted version of a portion of the computer program code that was executed on a computer prior to June 30, 1998. Upon execution of this computer program, a feedback page was generated by the computer along the lines of Exhibit C and demographic changes were allowed to be made. Therefore, an actual reduction to practice took place prior to the June 30, 1998, the earliest effective filing date of the Moran and Horowitz, et al. patents cited by the Examiner.

5. With the help of a patent attorney, we generated a draft of the Application that, prior to June 30, 1998, was substantially identical to and included all of the subject matter of the Application as filed. Between June 30, 1998 and the original filing date of the Application, we finalized the paperwork in anticipation of filing. Attached herewith as Exhibit E is a correspondence letter with dates redacted demonstrating some of our continuing activities, which began prior to June 30, 1998 and continued through to the original filing date of the Application.

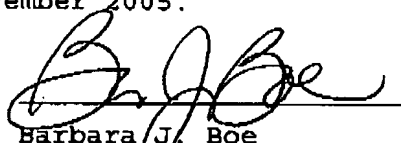
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5. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. Further, we declare that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Signed this 3<sup>rd</sup> day of November 2005.

  
Barbara J. Boe

Signed this 3<sup>rd</sup> day of November 2005.

  
Julia M. Hamrick

Signed this 4<sup>th</sup> day of November 2005.

  
Marjorie L. Aarant